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*Attorneys for Plaintiff Transportation Alliance Bank Inc. dba TAB Bank*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

TRANSPORTATION ALLIANCE BANK,  
INC. dba TAB BANK,  
Plaintiff,  
vs.

HELPING HANDS HOUSING I, LLC a  
Delaware limited liability company, POINT  
CAPITAL PARTNERS, LLC, a Delaware  
limited liability company, THEODORE  
WILLIAMS, an individual, and RICHARD  
J. SWIFT, an individual,  
Defendants.

**AFFIDAVIT OF TROY J. ARAMBURU  
IN SUPPORT OF TRANSPORTATION  
ALLIANCE BANK, INC.'S MOTION  
FOR AWARD OF ATTORNEYS' FEES  
AND EXPENSES**

Case No. 1:13-cv-00046-RJS

Judge Robert J. Shelby

Pursuant to Federal Rule of Civil Procedure 54 and DUCivR 54-2, Troy J. Aramburu, being first duly sworn, hereby deposes and states that he has personal knowledge of the following facts relating to the attorneys' fees and expenses incurred in the above-captioned case.

1. This Affidavit is provided for the purpose of supporting Transportation Alliance Bank Inc. dba TAB Bank's ("**TAB**") *Motion for Award of Attorneys' Fees and Expenses* ("**Motion**").<sup>1</sup>

2. I am licensed by the State of Utah to practice law, and I am admitted to practice before this Court.

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<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meaning given to those terms in the Motion.

3. I am a partner at Snell & Wilmer L.L.P. (“**Snell & Wilmer**”).

4. I have personal knowledge of the involvement of Snell & Wilmer in performing legal services for TAB in connection with the above-captioned case. I am the partner in charge of this engagement.

5. In addition to myself, Parker Allred, an associate at Snell & Wilmer, assisted me in prosecuting the claims asserted against Helping Hands and Point Capital (together, the “**Defendants**”). I was also substantially assisted by Brock Worthen and Jeffrey Shields, both former attorneys at Snell & Wilmer. Occasionally, other attorneys from Snell & Wilmer would assist on various aspects of this matter. All attorneys that have assisted me in this matter were licensed by the State of Utah to practice law and were admitted to practice before this Court at all relevant times.

6. I was also assisted by certain support staff at Snell & Wilmer, including Ashlee McDonald, a paralegal; Zhanna Helwig, a research librarian; Monica Posada, a paralegal; Natalie Rohlik, a paralegal assistant; Lorelei Romney, a paralegal; and Heather Stewart, a database administrator.

7. The personnel at Snell & Wilmer who assisted on this case have experience and expertise in litigating claims of the type at issue in this case.

8. All of the hours devoted to our work in defending this case were necessary and reasonable. All of the rates charged to this client were reasonable based on my experience and understanding of rates charged in the community for comparable legal services, particularly given the complex nature and the amount in controversy in this dispute.

9. When our firm was engaged by TAB, TAB agreed that my firm would be reimbursed for actual costs advanced by my firm in connection with this litigation.

10. My firm first began working on this case in approximately December 2012. Our firm is continuing to finalize entry of judgment on TAB's claims against the Defendants as of the date of the Motion.

11. The legal work performed on behalf of TAB in prosecuting this action, and the above individuals' contributions, including my own, are set forth in the table below, which shows the amount of time each person worked on the matter, each person's effective hourly rate for purposes of this matter, and the total amount of fees billed for their work.

SNELL & WILMER EMPLOYEE NAME	TITLE	HOURLY RATE (Averaged Over the Course of the Engagement)	HOURS BILLED	FEES BILLED <sup>2</sup>
Allred, Parker	Associate	216.24	409.40	79,674.30
Aramburu, Troy J.	Partner	359.37	887.80	292,732.85
Cunningham, Brian D.	Partner	425.00	0.40	153.00
Denny, Blakely J.	Associate	200.00	5.40	1,080.00
Evans, Bret	Associate	215.00	3.20	619.20
Gehret, Michael A.	Partner	345.00	4.50	1,397.25
Helwig, Zhanna	Research Librarian	125.00	0.60	67.50
Lalli, Matthew L.	Partner	425.00	7.60	2,936.75
Leta, David E.	Partner	425.00	7.50	2,975.00
McDonald, Ashlee A.	Paralegal	185.03	126.00	20,982.60
Posada, Monica M.	Paralegal	185.00	0.20	33.30
Pratt, Scott	Associate	82.54	6.50	482.85
Rohlik, Natalie	Paralegal Assistant	32.90	121.20	3,588.75
Romney, Lorelei	Paralegal	185.00	2.10	388.50
Shelton, Richard E.	Associate	185.00	3.20	532.80
Shields, Jeffrey	Partner	425.00	247.10	100,321.25
Stewart, Heather M.	Database Administrator	125.00	9.20	1,035.00
Tuttle, Jeff	Associate	212.55	15.90	2,908.36
Williams, David P.	Of Counsel	375.00	0.20	67.50
Worthen, Brock	Associate	260.47	419.60	99,667.24
<b>TOTAL</b>			<b>2,277.60</b>	<b>611,644.00</b>

<sup>2</sup> The "Fees Billed" column reflects the amounts actually billed to and paid by TAB after discounts.

12. The following actions were taken in this case, which justify the amount of work performed and the amount of fees incurred:<sup>3</sup>

- a. Pre-filing efforts to collect amounts owed by Defendants to TAB;
- b. Preparing and prosecuting the Complaint and the amendment of the same;
- c. Obtaining the appointment of a Receiver over the assets Helping Hands, over the objections of both Point Capital and Helping Hands, and coordinating with the Receiver while he liquidated the assets over the course of several months;
- d. Propounding and responding to various forms of written discovery from Defendants;
- e. Reviewing and producing thousands of documents in response to requests for production;
- f. Conducting and defending at least fourteen depositions, some of which lasted multiple days, of witnesses located in four different states;
- g. Conducting expert discovery;
- h. Preparing and prosecuting two motions for summary judgment;
- i. Defending against a motion for summary judgment; and
- j. Preparing trial exhibits and witnesses prior to the Court vacating the trial date.

13. Based on my experience with the claims, allegations, defenses, and contentions involved in this litigation, the amounts asserted in this action justified the time and amount of work devoted to this matter. Moreover, the results obtained justified the time and work necessary to prosecute the claims.

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<sup>3</sup> The invoices supporting the hours billed and fees paid in paragraph 11, and describing in detail the actions taken as summarized in paragraph 12, are voluminous and contain attorney client privileged information. Snell & Wilmer will produce redacted versions of these invoices if required.

14. There were no time limitations imposed by the client or by any other circumstances.


15. The total amount of attorneys' fees incurred by TAB in connection with this action is \$611,644.00 through September 30, 2015. Based on the foregoing summary, I believe that the attorneys' fees incurred by TAB, while represented by Snell & Wilmer, in connection with this action are reasonable.

16. In addition to attorneys' fees, TAB incurred a total of \$43,311.13 in expenses that it is seeking to recoup in this litigation. \$18,842.51 of these expenses are the subject of the Bill of Costs TAB is submitting concurrently herewith. The remainder of these expenses, in the amount of \$24,468.62, includes the following: \$6,250.92 in imaging; \$9,611.49 in costs associated with travel, primarily for fact discovery and out-of-state depositions; \$6,557.33 in research services, including Westlaw, LexisNexis, and Pacer; \$1,288.74 in messenger and mailing services; and \$760.14 in costs associated with witnesses.

17. These expenses of \$24,468.62 were necessary to prosecuting and defending TAB's claims involving Defendants.

DATED: November 12, 2015.

**SNELL & WILMER L.L.P.**

  
Troy J. Aramburu

STATE OF UTAH                    )  
  ) ss:  
COUNTY OF SALT LAKE    )

SUBSCRIBED AND SWORN TO before me this 12<sup>th</sup> day of November, 2015.



  
NOTARY PUBLIC  
Commission Expires:

### CERTIFICATE OF SERVICE

I hereby certify that on November 12, 2015, I caused a true and correct copy of the foregoing to be served via first class mail and email on the following:

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/s/ Troy J. Aramburu